

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

THE BIOMECHANICS LLC,
Plaintiff,

v.

INTERNATIONAL FITNESS
PROFESSIONALS ASSOCIATION, INC.
and DR. JAMES BELL
Defendants.

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CASE NO. 6:22-cv-974-ADA-JCM

**DR. JAMES BELL’S RESPONSE TO THE BIOMECHANICS LLC’S
FIRST SET OF REQUESTS FOR PRODUCTION**

Dr. James Bell by and through his undersigned counsel hereby submits the following responses to The Biomechanics LLC, First Set of Requests for Production. Dr. James Bell reserves the right to continue his investigation herein for facts, witnesses, and supplemental data, which may reveal information that, if presently within his knowledge, would have been included in these objections and responses. Accordingly, the objections and responses set forth below represent only information currently known following a reasonable investigation in responding to these requests with the time and reasonable resources available. The objections and responses set forth below do not preclude Dr. Bell from relying on information discovered after further investigation or discovery which, if known at this time, would have been included in these objections and responses.

Unless otherwise indicated, these requests cover the period from January 1, 2018, through the present.

REOUEST FOR PRODUCTION NO. 1: Produce all Communications and Documents (including any recordings) Concerning any event occurring in Texas (or if virtual, accessible from Texas), which Bell participated in or attended, including but not limited to any conferences, workshops, webinars, seminars, guest appearances, awards, or podcasts.

RESPONSE: Objection. This request is overbroad, unduly burdensome, and not proportional to the needs of limited jurisdictional discovery. It seeks information that is not relevant to Plaintiff’s claim of specific jurisdiction over Dr. Bell because it is not limited to the allegedly infringing works identified in Plaintiff’s complaint. It imposes an undue burden on Dr. Bell to review five years of “Communications and Documents” related to a conference, workshop, webinar, seminar, guest appearance, award, or podcast to see if the “event” occurred in Texas. The burden of

searching for and reviewing all “Communications and Documents” since January 1, 2018, outweighs the limited possibility of finding documents relevant to whether the Court has specific jurisdiction over Dr. Bell. The unlimited subject matter of the request imposes a further undue burden and is not proportional to the needs of the case.

Without waiving these objections, Dr. Bell has no responsive documents. Dr. Bell has not participated in or attended any conferences, workshops, webinars, seminars, awards, or podcasts that, to his knowledge, “occurred” in Texas since January 1, 2018. Nor has he made any guest appearances in Texas or at events that, to his knowledge, “occurred” in Texas since January 1, 2018.

REQUEST FOR PRODUCTION NO. 2: Produce all Documents and Communications exchanged between Dr. Bell and any persons or companies in Texas.

RESPONSE: Objection. This request is overbroad, unduly burdensome, and not proportional to the needs of limited jurisdictional discovery. It imposes an undue burden on Dr. Bell to investigate the location of every person with whom he has exchanged “Documents or Communications” since January 1, 2018. The burden of searching for and reviewing all “Documents or Communications” for the last five years outweighs the slim possibility of finding documents relevant to whether the Court has specific jurisdiction over Dr. Bell. The unlimited subject matter of the request imposes a further undue burden.

Without waiving these objections, Dr. Bell has no documents or communications exchanged between himself and any person or company he knows to be a Texas person or company.

Respectfully submitted December 29, 2022.

THOMAS P. HOWARD, LLC

By: /s/ Scott E. Brenner

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Counsel for Dr. James Bell

Certificate of Service

I certify that on December 29, 2022, a copy of this document was served on the following as indicated:

Via email:

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David E. Dunham david@dunhamllp.com

s/ Scott E. Brenner